IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 6TH DECEMBER 2006 / 15TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 1385 of 2002(A)

CRA.108/2000 of ADDL.SESSIONS COURT, (ADHOC- I), ERNAKULAM
CC.531/1996 of JUDL.MAGISTRATE OF FIRST CLASS, KOLENCHERRY

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REVN. PETITIONER/APPELLANT/ACCUSED:

M.S. JANARDHANAN, S/O. SREEDHARAN,
SABARI INDUSTRIES, BRAHMAPURAM,
PUTHENCRUZ VILLAGE.

BY ADV. SRI.MATHEWS K. PHILIP

RESPONDENTS/RESPONDENTS/COMPLAINANT& STATE
& L.R. OF IST RESPONDENT :
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1. C.K.GEORGEKUTTY,
S/O. LATE KURIAKO, KIZHAKKANA HOUSE,
AMBALAMEDU, PUTHENCRUZ VILLAGE. (EXPIRED)

2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
ERNAKULAM.

***ADDL.R3.** SANTHA, W/O. C.K. GEORGEKUTTY,
KIZHAKANA HOUSE, AMBALAMEDU, ERNAKULAM.

(*ADDL. RESPONDENT NO. 3 IS IMPLEADED AS PER THE ORDER DATED 06.12.2006 IN CRL.M.A. NO. 12301 OF 2006)

R2 BY PUBLIC PROSECUTOR ADV. SHRI C.K. SURESH.
R3 BY ADV. SRI.ABRAHAM JOHN

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 06/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

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CRL. R.P. 1385 OF 2002

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Dated this the 6th December , 2006

O R D E R

The petitioner was convicted for the offence under section 138 of the Negotiable Instruments Act and he was sentenced to undergo simple imprisonment for a period of three months and to pay a sum of Rs. 70,000/- as compensation under section 357(3) of the Code of Criminal Procedure. On appeal, the appellate court confirmed the conviction and sentence.

2. Crl.M.A.No. 12298 of 2006 was filed by the revision petitioner/ accused and the additional third respondent, who is the widow of the deceased complainant, seeking leave of the court to compound the offence and that application was allowed.

Accordingly, the Crl. Revision Petition is allowed. The conviction and sentence imposed on the petitioner are set aside. The petitioner is acquitted under section 320(8) of the Code of Criminal Procedure.

K.T. SANKARAN,
JUDGE.

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K.T. SANKARAN, J.

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CRL. R.P.No. 1385 OF 2002

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Dated this the 6th December, 2006

O R D E R

K.T. SANKARAN, J.

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CRL. M.A. No. 12298 OF 2006
IN CRL. R.P.No. 1385 OF 2002

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Dated this the 6th December , 2006

O R D E R

This is an application filed under section 147 of the Negotiable Instruments Act seeking permission to compound the offence under section 138 of the Negotiable Instruments Act. The application is signed by the revision petitioner/ accused as well as the widow of the first respondent/ complainant, who is impleaded as additional third respondent in the revision and their counsel. It is stated in the application that the entire amount covered by the cheque was received by the additional third respondent. The application is allowed.

K.T. SANKARAN,

JUDGE.

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